

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: NOVEMBER 7, 2007**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: VAR-23575 - APPLICANT/OWNER: EBENEZER CHURCH OF GOD IN CHRIST**

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***THIS ITEM WAS HELD IN ABEYANCE FROM THE OCTOBER 17, 2007 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.***

**\*\* CONDITIONS \*\***

The Planning Commission (4-2/ds, 1d vote) and staff recommend DENIAL.

**Planning and Development**

1. Conformance to the conditions for Special Use Permit (U-0149-90) and Site Development Plan Review (SD-0066-00), and the Extension of Time (EOT- if approved).
2. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. A revised site plan shall be submitted during the application for a sign permit showing the proposed sign located at the southeast corner of Blankenship Avenue and Concord Street on the provided site plan date stamped August 16, 2007 either removed or setback five-feet from the property line.

**Public Works**

4. The sign shown at the southeast corner of Blankenship Avenue and Concord Street on the site plan dated August 16, 2007 shall not be placed within public right-of-way.
5. Proposed signs shall not be located within the public right-of-way or interfere with Site Visibility Restriction Zones. Sign bases shall not be located within existing or proposed public sewer or drainage easements.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This application is a request for a Variance to allow a 10.75-foot high, 129 square-foot Freestanding Institutional Sign where the maximum height and size is eight feet high and 50 square-feet, respectively. An additional request has been included with this request to allow an electronic message unit where no such illumination type is permitted. The proposed sign is to be located at the northeast corner of Bartlett Avenue and Concord Street and is for an existing Church/House of Worship at 1072 West Bartlett Avenue.

In taking the applicant's request and justification into account, staff finds the oversized sign with an electronic message unit is out of character of the surrounding residential neighborhood. For this reason, staff recommends denial.

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i>	
1/28/65	The Board of Zoning Adjustment approved a Special Use Permit (U-0052-64) to allow a church on the northeast corner of Concord Street and Bartlett Avenue.
6/23/66	The Board of Zoning Adjustment approved an Extension of Time on an approved Special Use Permit (U-0052-64) for a proposed church.
10/27/66	The Board of Zoning Adjustment approved Site Development Plan Review (U-0052-64) for a proposed church building.
9/24/87	The Board of Zoning Adjustment approved a Site Development Plan Review (U-0052-64) for a proposed addition to an existing church.
8/23/90	The Board of Zoning Adjustment approved a Special Use Permit (U-0149-90) to allow a proposed child day care and pre-school facility in conjunction with an existing church.
2/7/01	The City Council approved a request for a Site Development Plan Review (SD-0066-00) and a Waiver of the Required Landscaping for a proposed 10,864 square foot addition to an existing church at 1072 West Bartlett Avenue
7/16/03	The City Council approved a request for an Extension of Time (EOT-2389) of an approved Site Development Plan Review (SD-0066-00) and a Waiver of the Required Landscaping for a proposed 10,864 square foot addition to an existing Church at 1072 West Bartlett Avenue
6/29/04	A Final Map Technical Review of a Reversionary Map on property located on with in the Vegas Height tract on the southeast corner of Blankenship Avenue and Concord Street was recorded as "VEGAS HEIGHTS REVERSIONARY MAP (EBENEZER CHURCH OF GOD)".
09/13/07	The Planning Commission voted 4-2/ds, ld to recommend DENIAL (PC Agenda Item #44/mh).

<b><i>Related Building Permits/Business Licenses</i></b>	
4/02/07	Multiple permits for an addition to an existing Church were submitted under Plan Check #C-176-03. There has not been a Certificate of Occupancy issued yet.
<b><i>Pre-Application Meeting</i></b>	
7/31/07	A Pre-application meeting was held with staff to discuss the placement of freestanding sign for a church. Staff recommended redesigning the sign, relocating the proposed placement, and re-orienting the sign so as to be more compatible with the surrounding neighborhood. Upon further discussions with the representative, the applicant chose to request a Variance for the original proposal.
<b><i>Neighborhood Meeting</i></b>	
A Neighborhood meeting was not held, nor was one required.	
<b><i>Field Check</i></b>	
08/09/07	<p>A field check by the Planning and Development Department was made to the site with the following observations:</p> <ul style="list-style-type: none"> <li>• The existing church on site is a state of substantial construction.</li> <li>• A small apartment building is located across the street.</li> </ul>

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Net Acres	1.12 acres

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Church	MLA (Medium Low Attached Density Residential)	R-2 (Medium Low Density Residential)
North	Duplex Housing and Single Family Residential	MLA (Medium Low Attached Density Residential)	R-2 (Medium Low Density Residential)
South	Single Family Residential and Parking Lot	MLA (Medium Low Attached Density Residential)	R-2 (Medium Low Density Residential)
East	Single Family Residential	MLA (Medium Low Attached Density Residential)	R-2 (Medium Low Density Residential)
West	Apartments	MLA (Medium Low Attached Density Residential)	R-3 (Medium Density Residential)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>			
West Las Vegas Plan	X		N
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Purpose and Overlay Districts</b>			
A-O Airport Overlay District	X		Y
<b>Trails</b>		X	NA
<b>Rural Preservation Overlay District</b>		X	NA
<b>Development Impact Notification Assessment</b>		X	NA
<b>Project of Regional Significance</b>		X	NA

## DEVELOPMENT STANDARDS

*Pursuant to Title 19.14.070, the following Residential Protection Standards apply:*

<i>Illuminated Signs</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
129 square-foot sign with an Electronic Message Unit.	Electronic message units, animated signs and flashing signs are prohibited within 200 feet of residentially-zoned property unless the design, location or orientation of the sign ensure that the electronic message unit, animated or flashing portion of the sign, or any light from the sign will not be visible from the residentially-zoned property,	Electronic Message Unit 84 feet from residential property	N

<b>Institutional Signs (Freestanding): [19.14.060(A)2]</b>			
<i>Standards</i>	<i>Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Maximum Number	1 / Street frontage 1 total	2 / Street frontage 2 total*	N*
Maximum Area	50 SF.	129 SF.	N
Maximum Height	8 Feet	10.75 Feet	N
Minimum Setback	5 feet from all property lines	5 Feet	N*
Illumination	Direct white light or internal illumination only. No bare bulbs, exposed neon tube, animation or Electronic Message Units.	Electronic Message Unit	N

*\*The provided site plans depict two signs locate the north and south corners of the property. Staff has conditioned for the removal or relocation of the proposed sign at the northwest corner of the property as it is shown with the public right-of-way.*

## **ANALYSIS**

The applicant has proposed to install a 10.75-foot high sign with 129 square feet of surface area with Electronic Message Unit attached at the northwest corner of Concord Street and Bartlett Avenue. This proposal exceeds the height, size, and illumination standards set forth in Title 19.14. The proposed sign is oriented to face outwards from the corner, thus making the Electronic Message Unit visible from the neighboring residential properties.

The provided site plan depicts two signs; the sign located in the public right of way at the southwest corner of Blankenship Avenue and Concord Street is not permissible. A condition of approval has been placed by staff to submit revised site plans showing only the proposed sign located five feet from the property line at the northwest corner of Concord Street and Bartlett Avenue upon application for a sign permit.

As this request for a Variance to exceed the standards for sign height, size, and illumination is all based from a self-imposed hardship, staff recommends denial.

## **FINDINGS**

In accordance with the provisions of Title 19.18.070(B), the Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.18.070(L) states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing a freestanding sign that is out of context with the surrounding residential neighborhood. An alternative design of reduced size, indirect

lighting, and possible marquee board would allow conformance to the Title 19 requirements and still allow for the community to stay abreast of church announcements. In view of the absence of any hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 10

**ASSEMBLY DISTRICT** 6

**SENATE DISTRICT** 4

**NOTICES MAILED** 352 by City Clerk

**APPROVALS** 1

**PROTESTS** 0